

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Samuel Sanfilippo,) 2009 C 1 24 A 11:10
Plaintiff,)
)
v.) Civil Action No. 11-105
)
)
Ocean Crest Seafoods, Inc.)
Defendant)

PLAINTIFF'S COMPLAINT AND JURY TRIAL DEMAND

PARTIES

1. The plaintiff, Samuel Sanfilippo, is a resident of the town of Gloucester, Essex County, Commonwealth of Massachusetts.
2. The defendant, Ocean Crest Seafoods, Inc.(hereinafter, "Ocean Crest"), is a Massachusetts corporation with a principle place of business at 88 Commercial St., City of Gloucester, County of Essex, Commonwealth of Massachusetts.

JURISDICTION

3. This court has admiralty subject matter jurisdiction over this matter, in accordance with 28 U.S.C. 1333.

FACTUAL BACKGROUND

4. On or about November 17, 2008, the plaintiff was a member of the crew of the vessel, F/V Comet.
5. On or about November 17, 2008, the F/V Comet was in navigable waters and was discharging fish shore side, to the defendant's facility, located on Commercial St., in Gloucester, MA.
6. Specifically, the defendant, through its agents, servants, or employees, was operating a

shore side winch, with attendant line and hook, to which the fish laden baskets were attached, and brought shore side, by said winch.

7. In the course of this process, empty baskets were lowered down to the vessel, filled with fish by members of the crew of the vessel, and then winched back ashore by the agents, servants, or employees of the defendant.
8. At all times relevant hereto, all of the equipment used in this operation; the winch, the winch line, the hook, and the baskets, were the sole and exclusive property of the defendant, Ocean Crest.
9. On or about November 17, 2008, the operator of the winch, operated said winch in such a manner so as to cause a full basket to dislodge from said line, and fall to the deck of the vessel, injuring the plaintiff.
10. On or about November 17, 2008, the defendant utilized a defective hook and line apparatus, so as to cause the basket of fish to become dislodged from said hook and line, thereafter falling to the deck of the vessel, and injuring the plaintiff.

COUNT I: NEGLIGENCE

11. The plaintiff restates and incorporates paragraphs 1-10 of his Complaint, as if specifically set forth herein.
12. At all times relevant hereto, the defendant had a duty to use reasonable care with respect to its operations.
13. At all times relevant hereto, the defendant had a duty to use reasonably safe equipment, in carrying out its operations.
14. The defendant, by virtue of its agents, servants, or employees' negligent operation of the winch, and attendant hook and line, breached its duty to use reasonable care in its

operations.

15. The defendant, in its failure to use proper equipment, with respect to the winch, line, and hook, breached its duty to use reasonably safe equipment in carrying out its operations.
16. As a result of the negligence of the defendant, heretofore described, the plaintiff was injured.
17. The injuries sustained by the plaintiff were not caused by any fault of his, but were directly and proximately caused by the conduct of the defendant, its agents or servants, in negligently operating said winch and attendant line and hook, and in failing to utilize reasonably safe equipment with respect to said operations.
18. As a result of the negligent conduct of the defendant, the plaintiff suffered great pain of body and anguish of mind; has lost a great deal of time from his usual work; has incurred medical and hospital expenses; and has suffered and will suffer other damages as will be demonstrated at trial.

WHEREFORE, the plaintiff, Samuel Sanfilippo, demands judgment against the defendant, Ocean Crest Seafoods, Inc., in the amount of One Million Dollars(\$1,000,000.00), together with costs and interests.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES

Plaintiff,
By his attorney,

Brian McCormick

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Date: 7/22/09